

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



August 30, 2001

ALL COUNTY LETTER NO. 01-58

TO: ALL COUNTY WELFARE DIRECTORS
COUNTY REFUGEE COORDINATORS
MUTUAL ASSISTANCE ASSOCIATIONS

SUBJECT: THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000

The Trafficking Victims Protection Act of 2000 makes adult victims of severe forms of trafficking, who have been certified by the federal Office of Refugee Resettlement (ORR), eligible for benefits and services to the same extent as refugees. Victims of severe forms of trafficking who are under 18 years of age are also eligible for benefits to the same extent as refugees, but do not need to be certified.

Severe Forms of Trafficking in Persons

The term "severe forms of trafficking in persons" means:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not reached 18 years of age; or
- The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

ORR will make certification determinations and issue letters of certification for victims of severe forms of trafficking. County welfare departments will not need to determine whether someone is a victim of a severe form of trafficking nor will they need to contact the Immigration and Naturalization Service.

Adults

Adult victims of severe forms of trafficking, who have been certified by ORR, are eligible for benefits to the same extent as refugees.

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☒ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

Children

Children under 18 years of age, who have been subjected to a severe form of trafficking, do not need to be certified in order to receive benefits. ORR will issue letters, which will be similar to the adult certification letters, stating that a child is a victim of a severe form of trafficking. County welfare departments will not need to evaluate whether a child has been subjected to a severe form of trafficking.

Documents

ORR will make certification determinations and issue certification letters for adults who meet the requirements for certification. In addition, ORR will issue similar letters for children who have been found to be victims of severe forms of trafficking. A sample copy of a certification letter and a similar letter for children are attached. In conducting a benefit eligibility determination for a victim of a severe form of trafficking, county welfare departments should follow their regular procedures for refugees and treat the victim of a severe form of trafficking the same as a refugee. However, instead of requiring Immigration and Naturalization Service documentation, such as the I-94 Arrival/Departure Card, county welfare departments are to acknowledge the certification letter or letter for children as proof of an immigration status that confers eligibility for benefits. Applicants must submit the original certification letter. A photocopy is to be retained for the files and the original letter returned to the applicant. Victims of severe forms of trafficking are not required to provide any immigration documents to receive benefits for which they are eligible.

Eligibility Procedures

When a victim of a severe form of trafficking applies for benefits, county welfare departments are to follow their normal procedures for refugees and also take the following actions:

- Acknowledge the original certification letter or letter for children in place of Immigration and Naturalization Service documentation. Victims of severe forms of trafficking are not required to provide any documentation of their immigration status.
- Call the trafficking verification line at (202) 401-5510 to confirm validity of the certification letter or letter for children and to notify ORR of the benefits for which the individual has applied.
- Do not contact the Systematic Alien Verification for Entitlement (SAVE) system for information about victims of severe forms of trafficking. The SAVE system does not contain information about victims of severe forms of trafficking.

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- Note the “entry date” for refugee benefit purposes. The individual’s “entry date” is the certificate date, which appears in the body of the certification letter or letter for children.
- Issue benefits to the same extent as a refugee, provided the victim of a severe form of trafficking meets other program eligibility criteria, such as income and resource criteria.
- Record the expiration date of the certification letter or letter for children so that benefit-granting agencies will be prepared to conduct re-determinations of eligibility. The expiration dates are eight months from the initial certification date. The trafficking certification re-determinations must be conducted at the end of the eight-month period. ORR intends to issue follow-up certification letters if individuals continue to meet certification requirements.

Enclosed for reference are ORR State Letter #01-13, Summary: Benefits for Victims of Trafficking under the Trafficking Victims Protection Act of 2000, Frequently Asked Questions Benefits for Victims of Trafficking under the Trafficking Victims Protection Act of 2000, Sample Certification Letter, and Sample Letter for Children. If you have any questions, please contact Ms. Linda Keene at (916) 654-2602 or Ms. Betts Smith at (916) 654-0495 in the Refugee Programs Branch.

Sincerely,

***Original signed by
Bruce Wagstaff 8/20/01***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Enclosure

c: CWDA